

OD 3

WPO/1468/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SOMNATH BHATTACHARYA
VERSUS
STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 7th August, 2023.

Appearance:
Mr. Tapas Dutta, Adv.
Mr. Mritunjoy Halder, Adv.
. . .for the petitioner.

The Court: Despite service, none appears for the respondents. Affidavit of service filed today be kept on record. The petitioner is facing a peculiar predicament. The petitioner had placed a registered title deed of a property as security for obtaining a loan from the Axis Bank.

Subsequently, when the petitioner sought for a certified copy of the same from the Registrar of Assurance, Calcutta, the said certified copy which was handed over to the petitioner had page 3 of the document missing. At this point, the petitioner came to know that, at the time of scanning the document, the registering authority had apparently misplaced page 3 of the said document.

In order to prevent the perpetuation of such omission in future whenever the petitioner seeks a certified copy, the petitioner approached the Axis Bank for

handing over the original document for the limited purpose of placing the same before the Registering Authority, to rectify the defect. However, the said documents were not released by the bank, since those were the securities for the loan obtained by the petitioner.

In the circumstances, the only plausible option is to direct the bank to furnish an authenticated copy of the original deed of title of the petitioner, which is lying with the bank as security for the loan obtained by the petitioner. If and when the same is furnished, the petitioner can produce the same before the registering authority for rectification of the records of the latter.

In such view of the matter, WPO/1468/2023 is disposed of by directing the respondent no.4, that is, the Manager of the Axis Bank, Arch Waterfront, 16th Floor, F4, Block GP, Sector – V, Salt Lake, Kolkata – 700091, to issue an authenticated copy of the title deed of the petitioner, dated November 25, 2020, a copy of which is annexed at page 8 of the present Writ Petition, to the petitioner within a fortnight from the date of being approached by the petitioner with a server copy of this order.

Upon such authenticated copy being handed over to the petitioner by the respondent no.4, the petitioner shall produce the same before the respondent no.2, the Registrar of Assurance, Kolkata. On such copy being furnished, the Registrar of Assurance shall take necessary steps for immediate rectification of his records pertaining to the deed of the petitioner, a copy of which is lying with the Registrar, to the effect that the missing page 3 is incorporated therein.

The Registrar of Assurance will be at liberty, at his option, to keep on record the authenticated copy furnished by the petitioner, if necessary, for the

purpose of rectification of the records. Such exercise shall be completed by the respondent no.2 as expeditiously as possible after being approached by the petitioner with the authenticated copy, positively within four weeks thereafter.

Upon completion of the said exercise, the Registrar shall furnish proper certified copy of the document, containing all pages thereof, upon fresh application being made for the same by the petitioner.

No order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)

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